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Attorneys for Plaintiff

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,	)	No. 3-09-71021 JCS
	)	
Plaintiff,	)	STIPULATION AND <del>PROPOSED</del>
	)	ORDER EXCLUDING TIME FROM
v.	)	SPEEDY TRIAL ACT CALCULATION
	)	(18 U.S.C. § 3161(h)(7)(A)) AND
ZHEN PAI LIU,	)	EXTENDING TIME PURSUANT TO FED.
	)	R. CRIM. P. 5.1
Defendant.	)	

With the agreement of the parties, and with the consent of defendant Zhen Pai Liu, the Court enters this order documenting (a) an exclusion of time under the Speedy Trial Act, 18 U.S.C. § 3161(b), from June 7, 2010, to July 7, 2010, and (b) an extension to July 7, 2010, of the time for holding a preliminary hearing pursuant to Federal Rule of Criminal Procedure 5.1. The parties agree, and the Court finds and holds, as follows:

1. Defendant agreed to an exclusion of time under the Speedy Trial Act. The parties have been engaged in discussions about a potential resolution of this case. Defendant's counsel wishes to review certain discovery materials and to consult with his client about those discovery materials and about the case. In addition, defendant's counsel will be out of the country for approximately ten days later this month. Accordingly, failure to grant the requested continuance

would unreasonably deny defendant's counsel reasonable time necessary for effective preparation, taking into account the exercise of due diligence, in this case, and also would unreasonably deny defendant continuity of counsel.

2. Given these circumstances, the Court found that the ends of justice served by excluding the period from June 7, 2010, to July 7, 2010, outweigh the best interest of the public and the defendant in a speedy trial. *Id.* at § 3161(h)(7)(A). For the same reasons, the Court found good cause to delay a preliminary hearing until July 7, 2010. Fed. R. Crim. P. 5.1(d). Defendant consented to this delay in the preliminary hearing.

3. Accordingly, and with the consent of the defendant, at the hearing on June 7, 2010, the Court ordered that the period from June 7, 2010, to July 7, 2010, be excluded from Speedy Trial Act calculations under 18 U.S.C. § 3161(h)(7)(A) & (B)(iv). Also with the content of the defendant, the Court ordered that any preliminary hearing be continued until July 7, 2010.

IT IS SO STIPULATED.

DATED: June 8, 2010

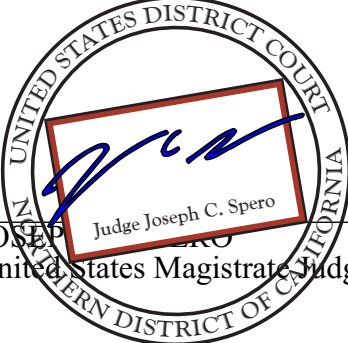
/s/  
HUGH ANTHONY LEVINE  
Attorney for Defendant

DATED: June 8, 2010

/s/  
ANDREW P. CAPUTO  
Assistant United States Attorney

IT IS SO ORDERED.

DATED: 06/14/10

A circular seal for the United States District Court for the Southern District of California. Inside the seal is a rectangular box containing a blue ink signature. Below the signature, the text "Judge Joseph C. Spero" is printed. The seal is partially obscured by the signature and the text below it.

JOSEPH C. SPERO  
United States Magistrate Judge